

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

TABERNA CAPITAL MANAGEMENT, LLC,

Plaintiff,

- against -

SIDNEY B. DUNMORE, MICHAEL A. KANE,
and DHI DEVELOPMENT f/k/a DUNMORE
HOMES, LLC,

Defendants.

: District Court Case No.:
08 CV 1817 [JSR]

:

:

:

:

:

:

:

:

:

:

:

AFFIRMATION OF SERVICE

AFFIRMATION OF SERVICE

I, Gil Hopenstand, declare under penalty of perjury that I have served copies of the following document:

NOTICE OF MOTION AND MOTION OF SIDNEY B. DUNMORE TO: (1) DISMISS THE COMPLAINT DUE TO THE AUTOMATIC STAY OR DUE TO PLAINTIFF'S LACK OF STANDING; (2) DISMISS THE COMPLAINT PURSUANT TO F.R.C.P. 12(B)(6); OR IN THE ALTERNATIVE, (3) FOR A MORE DEFINITE STATEMENT OF FACTS PURSUANT TO F.R.C.P. 12(E)

upon:

Kenneth G. Roberts
James L. Simpson
WOLF, BLOCK, SCHORR AND
SOLIS-COHEN LLP
250 Park Avenue
New York, NY 10177

Krista J. Dunzweiler
DIEPENBROCK HARRISON
400 Capitol Mall, Suite 1800
Sacramento, CA 95814

DHI DEVELOPMENT
f/k/a DUNMORE HOMES, LLC
8781 Sierra College Blvd., Suite 100
Granite Bay, CA 95746

Stephen Wagner
Ginnine Fried
COHEN TAUBER SPIEVACK &
WAGNER P.C.
420 Lexington Ave., Suite 2400
New York, NY 10170

X by overnight mail. I caused such envelope to be delivered by an overnight mail carrier, next business day delivery, to the offices of the addressees on the above list.

Dated: Los Angeles, California
May 1, 2008

/s/ Gil Hopenstand

Gil Hopenstand
LEVENE, NEALE, BENDER, RANKIN
& BRILL L.L.P.
10250 Constellation Boulevard, Suite 1700
Los Angeles, California 90067
Telephone: (310) 229-1234